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Chief Clerk of the House

By: 

FILED MAR 12 2003

 .J.R. No. 

A JOINT RESOLUTION

1 proposing a constitutional amendment providing for the filling of a
2 temporary vacancy in a public office created by the activation for
3 military service of a public officer.

4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Article XVI, Texas Constitution, is amended by
6 adding Section 72 to read as follows:

7 Sec. 72. (a) An elected or appointed officer of the state
8 or of any political subdivision who enters active duty in the armed
9 forces of the United States as a result of being called to duty,
10 drafted, or activated does not vacate the office held, but the
11 appropriate authority may appoint a replacement to serve as
12 temporary acting officer as provided by this section.

13 (b) For an officer other than a member of the legislature,
14 the authority who has the power to appoint a person to fill a
15 vacancy in that office shall appoint a temporary acting officer. If
16 a vacancy would normally be filled by special election, the
17 governor shall appoint the temporary acting officer for a state or
18 district office, and the governing body of a political subdivision
19 shall appoint the temporary acting officer for an office of that
20 political subdivision.

21 (c) For a member of the legislature, the applicable house by
22 majority vote shall appoint a temporary acting representative or
23 senator.

24 (d) The officer who is temporarily replaced under this

1 section may recommend to the appropriate appointing authority the
2 name of a person to temporarily fill the office.

3 (e) The appropriate authority shall appoint the temporary
4 acting officer to begin service on:

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6 temporarily replaced as the date the officer will enter active
7 military service; or

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9 specify a date in writing, a date not later than the 30th day after
10 the officer's entry into active military service.

11 (f) A temporary acting officer has all the powers,
12 privileges, and duties of the office and is entitled to the same
13 compensation, payable in the same manner and from the same source,
14 as the officer who is temporarily replaced.

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16 shall perform the duties of office for the shorter period of:

17 (1) the term of the active military service of the
18 officer who is temporarily replaced; or

19 (2) the term of office of the officer who is
20 temporarily replaced.

21 (h) In this section, "armed forces of the United States,"
22 means the United States Army, the United States Navy, the United
23 States Air Force, the United States Marine Corps, the United States
24 Coast Guard, any reserve or auxiliary component of any of those
25 services, or the National Guard.

26 SECTION 2. This proposed constitutional amendment shall be
27 submitted to the voters at an election to be held November 4, 2003.

1 The ballot shall be printed to permit voting for or against the
2 proposition: "The constitutional amendment authorizing the
3 appointment of a temporary replacement officer to fill a vacancy
4 created when a public officer enters active duty in the United
5 States armed forces."

HOUSE COMMITTEE REPORT

1st Printing

03 APR 16 PM 11:01
HCS10-274001116

By: Uresti

H.J.R. No. 84

Substitute the following for H.J.R. No. 84:

By: Uresti

C.S.H.J.R. No. 84

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21 political subdivision.

22 (c) For an officer who is a member of the legislature, the
23 committee that is established by law to fill, under certain other
24 circumstances, a vacancy in a nomination for that office and that

1 represents the same political party as that member of the
2 legislature shall appoint a temporary acting representative or
3 senator who is:

4 (1) a member of the same political party as the member
5 being temporarily replaced; and

6 (2) qualified for office under Section 6, Article III,
7 of this constitution for a senator, or Section 7, Article III, of
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11 proposition: "The constitutional amendment authorizing the
12 appointment of a temporary replacement officer to fill a vacancy
13 created when a public officer enters active duty in the United
14 States armed forces."

COMMITTEE REPORT

The Honorable Tom Craddick
Speaker of the House of Representatives

4/16/03
(date)

Sir:

We, your COMMITTEE ON ELECTIONS

to whom was referred HJR 84 have had the same under consideration and beg to report back with the recommendation that it

- () do pass, without amendment.
- () do pass, with amendment(s).
- (X) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.
- (X) yes () no A fiscal note was requested.
- () yes (X) no A criminal justice policy impact statement was requested.
- () yes (X) no An equalized educational funding impact statement was requested.
- () yes (X) no An actuarial analysis was requested.
- () yes (X) no A water development policy impact statement was requested.
- () yes (X) no A tax equity note was requested.
- () The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor _____

Joint Sponsors: _____ / _____ / _____

Co-Sponsors: _____

The measure was reported from Committee by the following vote:

| | AYE | NAY | PNV | ABSENT |
|--------------------|-----|-----|-----|--------|
| Denny, Chair | ✓ | | | |
| Howard, Vice-chair | ✓ | | | |
| Bohac | ✓ | | | |
| Coleman | ✓ | | | |
| Deshotel | | | | ✓ |
| Harper-Brown | ✓ | | | |
| Uresti | ✓ | | | |
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Total 6 aye
 0 nay
 0 present, not voting
 1 absent

CHAIR Mary Denny

BILL ANALYSIS

C.S.H.J.R. 84
By: Uresti
Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, when an elected or appointed officer of the state or of any political subdivision enters active duty in the armed forces of the United States as a result of being called to duty, drafted, or activated, he or she vacates the office held and the appropriate authority issues writs of election to fill such vacancies. CSHJR 84 allows public officers called for active duty to retain their office while in the military.

RULEMAKING AUTHORITY

It is the committee's opinion that this resolution does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

CSHJR 84 amends the Texas Constitution by providing that an elected official or appointed officer of the state or of any political subdivision who enters active duty in the armed forces of the United States as a result of being called to duty, drafted, or activated does not vacate the office held. The resolution authorizes the appropriate authority to appoint a replacement to serve as temporary acting officer if the elected or appointed official will be on active duty for longer than 30 days.

For an officer other than a member of the legislature, the resolution authorizes the authority who has the power to appoint a person to fill a vacancy in that office to appoint a temporary acting officer. If a vacancy would normally be filled by special election, the resolution authorizes the governor to appoint the temporary acting officer for a state district office and authorizes the governing body of a political subdivision to appoint the temporary acting officer for an office of that political subdivision.

For an officer who is a member of the legislature, the resolution requires the committee that is established by law to fill, under certain other circumstances, a vacancy in a nomination for that office and that represents the same political party as the member to appoint a temporary acting representative or senator. The resolution provides that the person appointed must be a member of the same political party as the member being temporarily replaced and must be qualified for the office.

The resolution authorizes the officer who is temporarily replaced to recommend to the appropriate appointing authority the name of a person to temporarily fill the office. The resolution sets forth provisions relating to the beginning of service and length of term for the temporary acting officer. The resolution provides that the temporary acting officer has all powers, privileges, and duties of the office and is entitled to the same compensation, payable in the same manner and from the same source, as the acting officer who is temporarily replaced.

FOR ELECTION

November 4, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

CSHB 84 modifies the original by authorizing the appropriate authority to appoint a replacement if an elected or appointed officer will be on active duty for longer than 30 days, rather than if the officer enters active duty for an unspecified amount of time.

The substitute modifies the original by authorizing, rather than requiring, the appropriate authority to appoint a temporary acting officer.

The substitute adds the requirement that the person appointed temporarily to the legislature be of the same political party as the representative or senator being temporarily replaced. The substitute also requires the person temporarily appointed to be qualified for the office.

SUMMARY OF COMMITTEE ACTION

HJR 84

April 9, 2003 2:00PM or upon final adjourn./recess

Considered in public hearing

Committee substitute considered in committee

Testimony taken in committee (See attached witness list.)

Left pending in committee

April 16, 2003 upon final adjourn./recess

Considered in formal meeting

Committee substitute considered in committee

Reported favorably as substituted

✓

3

WITNESS LIST

HJR 84
HOUSE COMMITTEE REPORT
Elections Committee

April 9, 2003 - 2:00PM or upon final adjourn./recess

On: Hanshaw Winn, Elizabeth (Secretary of State)
Klein, Rebecca (Self)

Registering, but not testifying:

For: Brunson, Jeane (Self and County and District Clerks
Association of Texas)

On: Malcolm, Molly Beth (Texas Democratic Party)
Lewis, Jesse (The Republican Party of Texas)

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

April 16, 2003

TO: Honorable Mary Denny, Chair, House Committee on Elections

FROM: John Keel, Director, Legislative Budget Board

IN RE: HJR84 by Uresti (Proposing a constitutional amendment providing for the filling of a temporary vacancy in a public office created by the activation for military service of a public officer.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated, other than the cost of publication.

The cost to the state for publication of the resolution is \$85,275.

The bill would amend Article XVI of the Texas Constitution by adding Section 72. This new section would state that an elected or appointed officer of the state or of any political subdivision who enters active duty in the armed forces of the United States as a result of being called to duty does not vacate the office held, but the appropriate authority may appoint a replacement to serve as temporary acting officer if the elected or appointed officer will be on active duty for longer than thirty days.. For members of the legislature, the applicable house by majority vote shall appoint a temporary acting representative or senator.

This proposed constitutional amendment would be submitted to voters at an election to be held November 4, 2003.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JK, GO, RR

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

Revision 2

April 9, 2003

TO: Honorable Mary Denny, Chair, House Committee on Elections

FROM: John Keel, Director, Legislative Budget Board

IN RE: HJR84 by Uresti (Proposing a constitutional amendment providing for the filling of a temporary vacancy in a public office created by the activation for military service of a public officer.), **As Introduced**

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LBB Staff: JK, GO, RR

ADOPTED

MAY 01 2003

Robert Hance
Chief Clerk
House of Representatives

By: Unesti

Substitute the following for H.J.R. No. 84:

By: Unesti

H.J.R. No. 84

C.S. H.J.R. No. 84

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HOUSE ENGROSSMENT

By: Uresti, Goolsby, Luna, McReynolds

H.J.R. No. 84

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Austin, Texas

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April 16, 2003

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LBB Staff: JK, GO, RR

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Revision 2

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LBB Staff: JK, GO, RR

1-1 By: Uresti, et al. (Senate Sponsor - Van de Putte) H.J.R. No. 84
1-2 (In the Senate - Received from the House May 2, 2003;
1-3 May 7, 2003, read first time and referred to Committee on Veteran
1-4 Affairs and Military Installations; May 22, 2003, reported
1-5 favorably by the following vote: Yeas 4, Nays 0; May 22, 2003, sent
1-6 to printer.)

1-7 HOUSE JOINT RESOLUTION

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2-8 States armed forces."

2-9

* * * * *



FAVORABLE
SENATE COMMITTEE REPORT ON
SB SCR SJR SR HB HCR HJR 84
By Rep. Uresti, ET AL. / SP: Sen. Van de Putte
(Author/Senate Sponsor)
May 22, 2003
(date)

VETERAN AFFAIRS
We, your Committee on AND MILITARY INSTALLATIONS, to which was referred the attached measure,
have on May 21, 2003, had the same under consideration and I am instructed to report it
(date of hearing)
back with the recommendation(s) that it:

- ☒ do pass and be printed
☐ do pass and be ordered not printed
☐ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☐ yes ☒ no

An actuarial analysis was requested. ☐ yes ☒ no

Considered by subcommittee. ☐ yes ☒ no

The measure was reported from Committee by the following vote:

| | YEA | NAY | ABSENT | PNV |
|-----------------------------|-----|-----|--------|-----|
| Senator Van de Putte, Chair | x | | | |
| Senator Estes, Vice-Chair | x | | | |
| Senator Fraser | | | x | |
| Senator Madla | x | | | |
| Senator Shapleigh | x | | | |
| | | | | |
| TOTAL VOTES | -4- | | -1- | |

COMMITTEE ACTION

S260 Considered in public hearing
S270 Testimony taken

G. Watson
COMMITTEE CLERK

Richard Van de Putte
CHAIR

Paper clip the original and one copy of this signed form to the original bill
Retain one copy of this form for Committee files

BILL ANALYSIS

Senate Research Center

H.J.R. 84
By: Uresti (Van de Putte)
Veteran Affairs & Military Installations
5/12/2003
Engrossed

DIGEST AND PURPOSE

Currently, when an elected or appointed officer of the state or of any political subdivision enters active duty in the armed forces of the United States as a result of being called to duty, drafted, or activated, he or she vacates the office held and the appropriate authority issues writs of election to fill such vacancies. H.J.R. 84 proposes a constitutional amendment to allow a public officer called for active duty to retain office while in the military.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article XVI, Texas Constitution, by adding Section 72, as follows:

Sec. 72. (a) Provides that an elected or appointed officer of the state or of any political subdivision who enters active duty in the armed forces of the United States as a result of being called to duty, drafted, or activated does not vacate the office held, but authorizes the appropriate authority to appoint a replacement to serve as temporary acting officer as provided by this section if the elected or appointed officer will be on active duty for longer than 30 days.

(b) Authorizes the authority who has the power to appoint a person to fill a vacancy in that office, for an officer other than a member of the legislature, to appoint a temporary acting officer. Authorizes the governor, if a vacancy would normally be filled by special election, to appoint the temporary acting officer for a state or district office, and authorizes the governing body of a political subdivision to appoint the temporary acting officer for an office of that political subdivision.

(c) Requires the committee that is established by law to fill, under certain other circumstances, a vacancy in a nomination for that office and that represents the same political party as that member of the legislature, for an officer who is a member of the legislature, to appoint a temporary acting representative or senator who meets certain qualifications.

(d) Authorizes the officer who is temporarily replaced under this section to recommend to the appropriate appointing authority the name of a person to temporarily fill the office.

(e) Requires the appropriate authority to appoint the temporary acting officer to begin service on the date specified in writing by the officer being temporarily replaced as the date the officer will enter active military service, or if the officer being temporarily replaced does not specify a date in writing, a date not later than the 30th day after the officer's entry into active military service.

(f) Provides that a temporary acting officer has all the powers, privileges, and duties of the office and is entitled to the same compensation, payable in the same

manner and from the same source, as the officer who is temporarily replaced.

(g) Requires a temporary acting officer appointed under this section to perform the duties of office for the shorter period of the term of the active military service of the officer who is temporarily replaced or the term of office of the officer who is temporarily replaced.

(h) Defines "armed forces of the United States."

SECTION 2. Requires this proposed constitutional amendment to be submitted to the voters at an election to be held November 4, 2003. Sets forth the required wording of the ballot.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

May 13, 2003

TO: Honorable Leticia Van de Putte, Chair, Senate Committee on Veteran Affairs & Military Installations

FROM: John Keel, Director, Legislative Budget Board

IN RE: HJR84 by Uresti (Proposing a constitutional amendment providing for the filling of a temporary vacancy in a public office created by the activation for military service of a public officer.), **As Engrossed**

No fiscal implication to the State is anticipated, other than the cost of publication.

The cost to the state for publication of the resolution is \$85,275.

The bill would amend Article XVI of the Texas Constitution by adding Section 72. This new section would state that an elected or appointed officer of the state or of any political subdivision who enters active duty in the armed forces of the United States as a result of being called to duty does not vacate the office held, but the appropriate authority may appoint a replacement to serve as temporary acting officer if the elected or appointed officer will be on active duty for longer than thirty days.. For members of the legislature, the applicable house by majority vote shall appoint a temporary acting representative or senator.

This proposed constitutional amendment would be submitted to voters at an election to be held November 4, 2003.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JK, WK, GO, RR

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

April 16, 2003

TO: Honorable Mary Denny, Chair, House Committee on Elections

FROM: John Keel, Director, Legislative Budget Board

IN RE: HJR84 by Uresti (Proposing a constitutional amendment providing for the filling of a temporary vacancy in a public office created by the activation for military service of a public officer.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated, other than the cost of publication.

The cost to the state for publication of the resolution is \$85,275.

The bill would amend Article XVI of the Texas Constitution by adding Section 72. This new section would state that an elected or appointed officer of the state or of any political subdivision who enters active duty in the armed forces of the United States as a result of being called to duty does not vacate the office held, but the appropriate authority may appoint a replacement to serve as temporary acting officer if the elected or appointed officer will be on active duty for longer than thirty days.. For members of the legislature, the applicable house by majority vote shall appoint a temporary acting representative or senator.

This proposed constitutional amendment would be submitted to voters at an election to be held November 4, 2003.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JK, GO, RR

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

Revision 2

April 9, 2003

TO: Honorable Mary Denny, Chair, House Committee on Elections

FROM: John Keel, Director, Legislative Budget Board

IN RE: HJR84 by Uresti (Proposing a constitutional amendment providing for the filling of a temporary vacancy in a public office created by the activation for military service of a public officer.), **As Introduced**

| |
|-----------------------------------------------------------------------|
| No significant fiscal implication to the State is anticipated. |
|-----------------------------------------------------------------------|

The bill would amend Article XVI of the Texas Constitution by adding Section 72. This new section would state that an elected or appointed officer of the state or of any political subdivision who enters active duty in the armed forces of the United States as a result of being called to duty does not vacate the office held, but the appropriate authority may appoint a replacement to serve as temporary acting officer. For members of the legislature, the applicable house by majority vote shall appoint a temporary acting representative or senator.

This proposed constitutional amendment would be submitted to voters at an election to be held November 4, 2003.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JK, GO, RR

ADOPTED

MAY 28 2003

NCB

LS

JC

Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: Vander Pelt

Amend H.J.R. No. 84 as follows:

84a (1) In Section 1 of the resolution, strike added Section 72(c), Article XVI, Texas Constitution (Senate committee printing, page 1, lines 29-39), and substitute the following: (((Insert A)))

(c) For an officer who is a member of the legislature, the member of the legislature shall select a person to serve as the temporary acting representative or senator, subject to approval of the selection by a majority vote of the appropriate house of the legislature. The temporary acting representative or senator must be:

(1) a member of the same political party as the member being temporarily replaced; and

(2) qualified for office under Section 6, Article III, of this constitution for a senator, or Section 7, Article III, of this constitution for a representative.

(2) In Section 1 of the resolution, strike added Section 72(e), Article XVI, Texas Constitution (Senate committee printing, page 1, lines 43-50), and substitute the following: (((Insert B)))

84b (e) The appropriate authority shall appoint the temporary acting officer to begin service on the date specified in writing by the officer being temporarily replaced as the date the officer will enter active military service.

(3) In Section 2 of the resolution, strike "November 4, 2003" (Senate committee printing, page 2, line 3), and substitute "September 13, 2003".

SENATE AMENDMENTS

2nd Printing

SEP 20 10 4 20
HOUSE OF REPRESENTATIVES

By: Uresti, Goolsby, Luna, McReynolds

H.J.R. No. 84

A JOINT RESOLUTION

1 proposing a constitutional amendment providing for the filling of a
2 temporary vacancy in a public office created by the activation for
3 military service of a public officer.

4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Article XVI, Texas Constitution, is amended by
6 adding Section 72 to read as follows:

7 Sec. 72. (a) An elected or appointed officer of the state
8 or of any political subdivision who enters active duty in the armed
9 forces of the United States as a result of being called to duty,
10 drafted, or activated does not vacate the office held, but the
11 appropriate authority may appoint a replacement to serve as
12 temporary acting officer as provided by this section if the elected
13 or appointed officer will be on active duty for longer than 30 days.

14 (b). For an officer other than a member of the legislature,
15 the authority who has the power to appoint a person to fill a
16 vacancy in that office may appoint a temporary acting officer. If a
17 vacancy would normally be filled by special election, the governor
18 may appoint the temporary acting officer for a state or district
19 office, and the governing body of a political subdivision may
20 appoint the temporary acting officer for an office of that
21 political subdivision.

22 (c) For an officer who is a member of the legislature, the
23 committee that is established by law to fill, under certain other
24 circumstances, a vacancy in a nomination for that office and that

1 represents the same political party as that member of the
2 legislature shall appoint a temporary acting representative or
3 senator who is:

4 (1) a member of the same political party as the member
5 being temporarily replaced; and

6 (2) qualified for office under Section 6, Article III,
7 of this constitution for a senator, or Section 7, Article III, of
8 this constitution for a representative.

9 (d) The officer who is temporarily replaced under this
10 section may recommend to the appropriate appointing authority the
11 name of a person to temporarily fill the office.

12 (e) The appropriate authority shall appoint the temporary
13 acting officer to begin service on:

14 (1) the date specified in writing by the officer being
15 temporarily replaced as the date the officer will enter active
16 military service; or

17 (2) if the officer being temporarily replaced does not
18 specify a date in writing, a date not later than the 30th day after
19 the officer's entry into active military service.

20 (f) A temporary acting officer has all the powers,
21 privileges, and duties of the office and is entitled to the same
22 compensation, payable in the same manner and from the same source,
23 as the officer who is temporarily replaced.

24 (g) A temporary acting officer appointed under this section
25 shall perform the duties of office for the shorter period of:

26 (1) the term of the active military service of the
27 officer who is temporarily replaced; or

1 (2) the term of office of the officer who is
2 temporarily replaced.

3 (h) In this section, "armed forces of the United States"
4 means the United States Army, the United States Navy, the United
5 States Air Force, the United States Marine Corps, the United States
6 Coast Guard, any reserve or auxiliary component of any of those
7 services, or the National Guard.

8 SECTION 2. This proposed constitutional amendment shall be
9 submitted to the voters at an election to be held November 4, 2003.
10 The ballot shall be printed to permit voting for or against the
11 proposition: "The constitutional amendment authorizing the
12 appointment of a temporary replacement officer to fill a vacancy
13 created when a public officer enters active duty in the United
14 States armed forces."

ADOPTED

MAY 28 2003

Atty. Gen.
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: *Vanda Pulte*

Amend H.J.R. No. 84 as follows:

(1) In Section 1 of the resolution, strike added Section 72(c), Article XVI, Texas Constitution (Senate committee printing, page 1, lines 29-39), and substitute the following:

(c) For an officer who is a member of the legislature, the member of the legislature shall select a person to serve as the temporary acting representative or senator, subject to approval of the selection by a majority vote of the appropriate house of the legislature. The temporary acting representative or senator must be:

(1) a member of the same political party as the member being temporarily replaced; and

(2) qualified for office under Section 6, Article III, of this constitution for a senator, or Section 7, Article III, of this constitution for a representative.

(2) In Section 1 of the resolution, strike added Section 72(e), Article XVI, Texas Constitution (Senate committee printing, page 1, lines 43-50), and substitute the following:

(e) The appropriate authority shall appoint the temporary acting officer to begin service on the date specified in writing by the officer being temporarily replaced as the date the officer will enter active military service.

(3) In Section 2 of the resolution, strike "November 4, 2003" (Senate committee printing, page 2, line 3), and substitute "September 13, 2003".

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

May 13, 2003

TO: Honorable Leticia Van de Putte, Chair, Senate Committee on Veteran Affairs & Military Installations

FROM: John Keel, Director, Legislative Budget Board

IN RE: HJR84 by Uresti (Proposing a constitutional amendment providing for the filling of a temporary vacancy in a public office created by the activation for military service of a public officer.), **As Engrossed**

No fiscal implication to the State is anticipated, other than the cost of publication.

The cost to the state for publication of the resolution is \$85,275.

The bill would amend Article XVI of the Texas Constitution by adding Section 72. This new section would state that an elected or appointed officer of the state or of any political subdivision who enters active duty in the armed forces of the United States as a result of being called to duty does not vacate the office held, but the appropriate authority may appoint a replacement to serve as temporary acting officer if the elected or appointed officer will be on active duty for longer than thirty days.. For members of the legislature, the applicable house by majority vote shall appoint a temporary acting representative or senator.

This proposed constitutional amendment would be submitted to voters at an election to be held November 4, 2003.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JK, WK, GO, RR

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

April 16, 2003

TO: Honorable Mary Denny, Chair, House Committee on Elections

FROM: John Keel, Director, Legislative Budget Board

IN RE: HJR84 by Uresti (Proposing a constitutional amendment providing for the filling of a temporary vacancy in a public office created by the activation for military service of a public officer.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated, other than the cost of publication.

The cost to the state for publication of the resolution is \$85,275.

The bill would amend Article XVI of the Texas Constitution by adding Section 72. This new section would state that an elected or appointed officer of the state or of any political subdivision who enters active duty in the armed forces of the United States as a result of being called to duty does not vacate the office held, but the appropriate authority may appoint a replacement to serve as temporary acting officer if the elected or appointed officer will be on active duty for longer than thirty days.. For members of the legislature, the applicable house by majority vote shall appoint a temporary acting representative or senator.

This proposed constitutional amendment would be submitted to voters at an election to be held November 4, 2003.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JK, GO, RR

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

Revision 2

April 9, 2003

TO: Honorable Mary Denny, Chair, House Committee on Elections

FROM: John Keel, Director, Legislative Budget Board

IN RE: HJR84 by Uresti (Proposing a constitutional amendment providing for the filling of a temporary vacancy in a public office created by the activation for military service of a public officer.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend Article XVI of the Texas Constitution by adding Section 72. This new section would state that an elected or appointed officer of the state or of any political subdivision who enters active duty in the armed forces of the United States as a result of being called to duty does not vacate the office held, but the appropriate authority may appoint a replacement to serve as temporary acting officer. For members of the legislature, the applicable house by majority vote shall appoint a temporary acting representative or senator.

This proposed constitutional amendment would be submitted to voters at an election to be held November 4, 2003.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JK, GO, RR

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

May 29, 2003

TO: Honorable Tom Craddick, Speaker of the House, House of Representatives

FROM: John Keel, Director, Legislative Budget Board

IN RE: HJR84 by Uresti (Proposing a constitutional amendment providing for the filling of a temporary vacancy in a public office created by the activation for military service of a public officer.), **As Passed 2nd House**

No fiscal implication to the State is anticipated, other than the cost of publication.

The cost to the state for publication of the resolution is \$85,275.

The bill would amend Article XVI of the Texas Constitution by adding Section 72. This new section would state that an elected or appointed officer of the state or of any political subdivision who enters active duty in the armed forces of the United States as a result of being called to duty, does not vacate the office held, but the appropriate authority shall appoint the temporary acting officer to begin service on the date specified in writing by the officer being temporarily replaced as the date the officer will enter active military service. For members of the legislature, the applicable house by majority vote shall appoint a temporary acting representative or senator.

This proposed constitutional amendment would be submitted to voters at an election to be held September 13, 2003.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JK, WK, GO, RR

F

ENROLLED

H.J.R. No. 84

A JOINT RESOLUTION

1 proposing a constitutional amendment providing for the filling of a
2 temporary vacancy in a public office created by the activation for
3 military service of a public officer.

4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Article XVI, Texas Constitution, is amended by
6 adding Section 72 to read as follows:

7 Sec. 72. (a) An elected or appointed officer of the state
8 or of any political subdivision who enters active duty in the armed
9 forces of the United States as a result of being called to duty,
10 drafted, or activated does not vacate the office held, but the
11 appropriate authority may appoint a replacement to serve as
12 temporary acting officer as provided by this section if the elected
13 or appointed officer will be on active duty for longer than 30 days.

14 (b) For an officer other than a member of the legislature,
15 the authority who has the power to appoint a person to fill a
16 vacancy in that office may appoint a temporary acting officer. If a
17 vacancy would normally be filled by special election, the governor
18 may appoint the temporary acting officer for a state or district
19 office, and the governing body of a political subdivision may
20 appoint the temporary acting officer for an office of that
21 political subdivision.

22 (c) For an officer who is a member of the legislature, the
23 member of the legislature shall select a person to serve as the
24 temporary acting representative or senator, subject to approval of

1 the selection by a majority vote of the appropriate house of the
2 legislature. The temporary acting representative or senator must
3 be:

4 (1) a member of the same political party as the member
5 being temporarily replaced; and

6 (2) qualified for office under Section 6, Article III,
7 of this constitution for a senator, or Section 7, Article III, of
8 this constitution for a representative.

9 (d) The officer who is temporarily replaced under this
10 section may recommend to the appropriate appointing authority the
11 name of a person to temporarily fill the office.

12 (e) The appropriate authority shall appoint the temporary
13 acting officer to begin service on the date specified in writing by
14 the officer being temporarily replaced as the date the officer will
15 enter active military service.

16 (f) A temporary acting officer has all the powers,
17 privileges, and duties of the office and is entitled to the same
18 compensation, payable in the same manner and from the same source,
19 as the officer who is temporarily replaced.

20 (g) A temporary acting officer appointed under this section
21 shall perform the duties of office for the shorter period of:

22 (1) the term of the active military service of the
23 officer who is temporarily replaced; or

24 (2) the term of office of the officer who is
25 temporarily replaced.

26 (h) In this section, "armed forces of the United States"
27 means the United States Army, the United States Navy, the United

1 States Air Force, the United States Marine Corps, the United States
2 Coast Guard, any reserve or auxiliary component of any of those
3 services, or the National Guard.

4 SECTION 2. This proposed constitutional amendment shall be
5 submitted to the voters at an election to be held September 13,
6 2003. The ballot shall be printed to permit voting for or against
7 the proposition: "The constitutional amendment authorizing the
8 appointment of a temporary replacement officer to fill a vacancy
9 created when a public officer enters active duty in the United
10 States armed forces."

H.J.R. No. 84

President of the Senate

Speaker of the House

I certify that H.J.R. No. 84 was passed by the House on May 1, 2003, by the following vote: Yeas 140, Nays 0, 3 present, not voting; and that the House concurred in Senate amendments to H.J.R. No. 84 on May 30, 2003, by the following vote: Yeas 143, Nays 0, 2 present, not voting.

Chief Clerk of the House

H.J.R. No. 84

I certify that H.J.R. No. 84 was passed by the Senate, with amendments, on May 28, 2003, by the following vote: Yeas 27, Nays 4.

Secretary of the Senate

RECEIVED: _____

Date

Secretary of State

President of the Senate

Speaker of the House

I certify that H.J.R. No. 84⁽¹⁾ was passed by the House

on May 1⁽²⁾, 2003, by the following vote:

Yeas 140⁽³⁾, Nays 0⁽⁴⁾, 3 present, not voting

and that the House concurred in Senate amendments to H.J.R. No. 84

on May 30⁽⁵⁾, 2003, by the following

vote: Yeas 143⁽⁶⁾, Nays 0⁽⁷⁾, 2 present, not voting.

Chief Clerk of the House

**** Preparation: CT19;

I certify that H.J.R. No. 84⁽¹⁾ was passed by the Senate, with

amendments, on May 28⁽²⁾, 2003, by the following

vote: Yeas 27⁽³⁾, Nays 4⁽⁴⁾.

Secretary of the Senate

RECEIVED:

Date

Secretary of State

**** Preparation: CT20;

78TH LEGISLATURE

COAUTHOR AUTHORIZATION

(please request your coauthors to sign this form
in lieu of the front or the back of the original bill)

Bill or Resolution Number: HJR 84

MAR 12 2003

[Signature]
signature of primary author

Wristi
printed name of primary author

Date

PERMISSION TO SIGN HJR 84 HAS BEEN GIVEN TO (check only one of the following):
(bill or resolution #)

☒ ALL REPRESENTATIVES
☐ THE FOLLOWING REPRESENTATIVE(S): _____

I authorize the Chief Clerk to include my name as a coauthor of the legislation indicated above:

| | | | | | |
|--------------------|------|----------------------------|------|--------------------|------|
| A2115 Allen | Date | A2450 Cook, Byron | Date | A2795 Farabee | Date |
| A2125 Alonzo | Date | A2565 Cook, Robert "Robby" | Date | A2810 Farrar | Date |
| A2160 Bailey | Date | A2595 Corte | Date | A2840 Flores | Date |
| A2170 Baxter | Date | A2605 Crabb | Date | A2850 Flynn | Date |
| A2205 Berman | Date | A2610 Craddick | Date | A2920 Gallego | Date |
| A2230 Bohac | Date | A2640 Crownover | Date | A2925 Garza | Date |
| A2250 Bonnen | Date | A2620 Davis, John | Date | A2960 Gattis | Date |
| A2280 Branch | Date | A2625 Davis, Yvonne | Date | A2945 Geren | Date |
| A2265 Brown, Betty | Date | A2635 Dawson | Date | A2935 Giddings | Date |
| A2270 Brown, Fred | Date | A2680 Delisi | Date | A2985 Goodman | Date |
| A2255 Burnam | Date | A3385 Denny | Date | A2990 Goolsby | Date |
| A2295 Callegari | Date | A2690 Deshotel | Date | A3010 Griggs | Date |
| A2290 Campbell | Date | A2705 Driver | Date | A3020 Grusendorf | Date |
| A2350 Canales | Date | A2665 Dukes | Date | A3045 Guillen | Date |
| A2300 Capelo | Date | A2660 Dunnam | Date | A3030 Gutierrez | Date |
| A2490 Casteel | Date | A2650 Dutton | Date | A3035 Haggerty | Date |
| A2495 Castro | Date | A2770 Edwards | Date | A3050 Hamilton | Date |
| A2585 Chavez | Date | A2775 Eiland | Date | A2695 Hamric | Date |
| A2480 Chisum | Date | A2780 Eissler | Date | A3160 Hardcastle | Date |
| A2525 Christian | Date | A2785 Elkins | Date | A3165 Harper-Brown | Date |
| A2435 Coleman | Date | A2790 Ellis | Date | A3170 Hartnett | Date |

| | | | | | |
|------------------------|------|------------------------|------|--------------------|------|
| A3180 Heflin | Date | A3715 Madden | Date | A4220 Riddle | Date |
| A3190 Hegar | Date | A3750 Marchant | Date | A4250 Ritter | Date |
| A3250 Hilderbran | Date | A2835 Martinez Fischer | Date | A4270 Rodriguez | Date |
| A3275 Hill | Date | A3665 McCall | Date | A4350 Rose | Date |
| A3305 Hochberg | Date | A3650 McClendon | Date | A4420 Seaman | Date |
| A3290 Hodge | Date | A3845 McReynolds | Date | A4525 Smith, Todd | Date |
| A3325 Homer | Date | A3830 Menendez | Date | A4540 Smith, Wayne | Date |
| A3320 Hope | Date | A3815 Mercer | Date | A4530 Smithee | Date |
| A3330 Hopson | Date | A3840 Merritt | Date | A4550 Solis | Date |
| A3315 Howard | Date | A3835 Miller | Date | A4505 Solomons | Date |
| A3340 Hughes | Date | A3855 Moreno, Joe | Date | A4560 Stick | Date |
| A3355 Hunter | Date | A3860 Moreno, Paul | Date | A4570 Swinford | Date |
| A3360 Hupp | Date | A3870 Morrison | Date | A4585 Talton | Date |
| A3375 Isett | Date | A3865 Mowery | Date | A4600 Taylor | Date |
| A3405 Jones, Delwin | Date | A3885 Naishtat | Date | A4605 Telford | Date |
| A3420 Jones, Elizabeth | Date | A3895 Nixon | Date | A4630 Thompson | Date |
| A3400 Jones, Jesse | Date | A3900 Noriega | Date | A4650 Truitt | Date |
| A3475 Keel | Date | A3880 Oliveira | Date | A4685 Turner | Date |
| A3410 Keffer, Bill | Date | A3886 Olivo | Date | A4695 Uresti | Date |
| A3480 Keffer, Jim | Date | A4100 Paxton | Date | A4700 Van Arsdale | Date |
| A3470 King | Date | A4140 Pena | Date | A4800 Villarreal | Date |
| A3495 Kolkhorst | Date | A4160 Phillips | Date | A4995 West | Date |
| A3485 Krusee | Date | A4180 Pickett | Date | A5000 Wilson | Date |
| A3450 Kuempel | Date | A4185 Pitts | Date | A5020 Wise | Date |
| A3510 Laney | Date | A4200 Puente | Date | A5015 Wohlgemuth | Date |
| A3540 Laubenberg | Date | A4230 Quintanilla | Date | A4980 Wolens | Date |
| A3605 Lewis | Date | A4240 Rangel | Date | A4985 Wong | Date |
| A3620 Luna | Date | A4215 Raymond | Date | A5005 Woolley | Date |
| A3700 Mabry | Date | A4236 Reyna | Date | A5150 Zedler | Date |

for chief clerk use only

Bill or Resolution Number:

HJR 84

JOINT AUTHOR AUTHORIZATION

As primary author of HJR 84 I hereby authorize the following joint author(s):
(bill or resolution #)

Goolsby
printed name of joint author #1

[Signature]
signature of joint author #1

MAY 01 2003

Vilma Luna
printed name of joint author #2

Vilma Luna
signature of joint author #2

MAY 01 2003

Jim Mc Reynolds
printed name of joint author #3

[Signature]
signature of joint author #3

MAY 01 2003

printed name of joint author #4

signature of joint author #4

[Signature]
signature of primary author

May 1, 2003
date

proposing a constitutional amendment providing for the filling of a temporary vacancy in a public office created by the activation for military service of a public officer.

MAR 12 2003

Filed with the Chief Clerk

MAR 27 2003

Read first time and referred to Committee on **State Affairs**

APR 16 2003

Reported ___favorably ~~(as [REDACTED])~~
(as substituted)

APR 17 2003

Sent to Committee on Calendars

MAY 01 2003

Read second time (comm. subst.) (REDACTED) and adopted (REDACTED) by a record vote of 140 yeas, 0 nays, 3 present, not voting

Read third time (amended) and finally adopted (failed of adoption) by a
record vote of _____ yeas, _____ nays, _____ present, not voting

MAY 02 2003

Engrossed

MAY 02 2003

Sent to Senate

Robert Hanes
CHIEF CLERK OF THE HOUSE

CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

APR 01 2003

Correction In Referral to the Committee on Elections

MAY 02 2003

Received from the House

MAY 07 2003

Read and referred to Committee on

VETERAN AFFAIRS & MILITARY INSTALLATIONS

MAY 22 2003

Reported favorably

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

Laid before the Senate

MAY 28 2003

Senate and Constitutional Rules to permit consideration suspended by (unanimous consent, yeas, _____ nays)

MAY 28 2003

Read second time, amended, and passed to third reading by (~~unanimous consent~~)
(a viva voce vote)
(yeas, nays)

MAY 28 2003

Senate and Constitutional 3 Day Rules suspended by a vote of 27 years, 4 nays

MAY 28 2003

Read third time, _____, and passed by 27 yeas, 4 nays

May 28, 2003

Returned to the House

Lataf Spaw
SECRETARY OF THE SENATE

SECRETARY OF THE SENATE

OTHER SENATE ACTION:

MAY 28 2003

Returned from the Senate (~~as substituted~~)
(with amendments)

MAY 30 2003

House concurred in Senate amendments by a (~~non-record vote~~)
(record vote of 143 yeas, 0 nays, 2 present, not voting)

House refused to concur in Senate amendments and requested the appointment of a conference committee
by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

House conferees appointed: _____, Chair; _____,

Senate granted House request. Senate conferees appointed: _____, Chair;

Conference committee report adopted (rejected) by the House by a record vote of
_____ yeas, _____ nays, _____ present, not voting

Conference committee report adopted (rejected) by the Senate by a record vote of
_____ yeas, _____ nays

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